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PART – I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION HARYANA

NIRVACHAN SADAN, PLOT NO.2, SECTOR 17,

PANCHKULA

Order

The 27th June, 2019

No. SEC/3ME/2019/1452.— Whereas, Smt Varsha Rani W/o Sh.Rajesh Bittu, who contested the election Municipal Council, Kaithal from ward No.26 for membership, held on 22.05.2016 was disqualified by the Commission vide its order No.SEC/3ME/2019/733, datd 08.03.2019 due to non submission of election expenditure statement within the prescribed time limit.

2. Whereas, Smt Varsha Rani has filed an appeal against the above referred order. She has verbally pleaded that she was given an opportunity of personal hearing on dated 07.02.2019 in the Municipl Council, Kaithal by the Assistant State Election Commissioner but due to her illness she could not attend the personal hearing. On asking the reasons for not filing her election expenditure statement within the prescribed time time she has submitted that she was not aware of the prescribed time limit and further requested to withdraw her disqualification order referred above.

3. Whereas, section 13E to 13 K in the Haryana Municipal Act, 1973 provides as under:-

“13E. Account of election expenses and maximum thereof. - (1) Every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive.

(2) The account shall contain such particulars, as may be notified by the State Election Commission in this behalf.

(3) The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

13F. Disqualification for failure to lodge account of election expenses- If the State Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and manner, as prescribed by the State Election Commission and has no reason or justification thereof, the State Election Commission shall, by order published in the Official Gazette, declare him to be disqualified for contesting an election for a period of five years from the date of the order under this Act.

13G. Removal or reduction of period of disqualification - The State Election Commission may, for reasons to be recorded in writing, remove or reduce the period of disqualification under Section 13F.

13 H. Lodging of account with the Deputy Commissioner - Every contesting candidate or his election agent shall, lodge account of election expenditure within thirty days from the date of declaration of election result with the Deputy Commissioner or an officer authorized by the State Election Commission. *The Deputy Commissioner or such officer shall, send a list of those candidates who contested but fail to lodge the account of election expenditure or made expenditure beyond the limit prescribed by the State Election Commission immediately after the completion of a period of thirty days from the declaration of election result. The State Election Commission shall accordingly pass an order of their disqualification under section 13F.

13 I. Removal of an elected member having any disqualification at time of election.- The State Election Commission may, after such enquiry, as it may deem fit and after giving an opportunity of being heard, by order, remove a member, if he was having any disqualification mentioned in section 13A or rules framed under this Act at the time of his election. The office of the member so disqualified shall become vacant immediately.

13 J. Removal of an elected member who fails to lodge election expenditure statement.- If an elected member who fails to follow the provisions of sections 13F or 13H, he shall be removed by the State Election Commission after giving him an opportunity of being heard. The office of the member so disqualified shall become vacant immediately.

13 K. Review. - A member so disqualified under section 13 I or 13 J may file an application for review of order before the State Election Commission within a period of forty-five days from the receipt of the order. The order passed by the State Election Commission under this section shall be final and no civil court shall have jurisdiction to entertain a petition against such order. "13G – Removal or reduction of period of disqualification – The State Election Commission may, for reasons to be recorded in writing, remove or reduce the period of disqualification under Section 13F.

4. It has also been observed that she has filed her review application within 45 days as provided under Section 13-K. Hence the application being within time limit has been considered. I have examined her election expenditure statement filed by Smt.Varsha Rani which is within the prescribed limit. I am also satisfied with the reasons given by her for not appearing before the competent authority during the personal hearing on 07.02.2019 and also satisfied with the reasons for filing her election expenditure statement beyond the the prescribed time limit. Hence, the review application dated 22.04.2019 of Smt.Varsha Rani is accepted and disqualification order dated 08.03.2019 of Smt.Varsha Rani w/o Sh.Rajesh Bittu is hereby withdrawn.

Panchkula:
The 7th June, 2019.

DR. DALIP SINGH,
State Election Commissioner, Haryana.